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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/309,412	05/10/1999	KAZUHIRO HARA	450100-4879	7480
20999 7590 08/04/2008 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER JACKSON, JENISE E	
			ART UNIT 2139	PAPER NUMBER
			MAIL DATE 08/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/309,412	Applicant(s) HARA, KAZUHIRO	
	Examiner JENISE E. JACKSON	Art Unit 2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20080725</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8-14, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Seth-Smith(4,829,569).

3. As per claims 1, 11, Seth-Smith et al. discloses a data transmission controlling method for controlling transmission of data from data transmitting means to data receiving means over communication channels(col. 3, lines 14-18, fig. 1, sheet 1), said data transmission controlling method includes, transmitting encrypted data over a first communication channel from the data transmitting means to the data receiving means, and encrypted data, encrypted by said data transmitting means the first communication channel provided for data transmission only from said data transmitting means to said data receiving means(see col. 3, lines 14-22, fig. 1, sheet 1); Seth-Smith discloses transmitting restrictive data transmission control information over a second communication channel from the data transmitting means to the data receiving means upon request for a decryption key by a conditional access managing unit incorporated in the data receiving means(see col. 21, lines 20-30, 66-67, col. 22, lines 1-43), and restrictive data transmission control information causing the encrypted data to be received solely by specific data receiving means the second communication channel, having a smaller capacity of data transmission than the first communication channel, the second communication channel also

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being used for data transmission from the data receiving means to data transmission means, wherein the second communication channel is a communication channel permitting bidirectional communication between the data transmitting means and the data receiving means(see col. 6, lines 30-57, fig. 1, sheet 1).

4. As per claims 3, 12, Seth-Smith wherein said data transmitting means performs data encryption using an encryption key and wherein said encrypted data from said data transmitting means are decrypted by said data receiving means utilizing the decryption key identical to said encryption key used in the data encryption(see col. 3, lines 23-27, col. 20, lines 22-34). The Examiner asserts that the keys must be identical in order to decrypt information, that insures that the proper individual receives information; this is disclosed in Seth-Smith et al.

5. As per claims 4, 13, Seth-Smith et al. discloses wherein said encryption key and said decryption key are session keys(i.e. service key) for encrypting and decrypting information and data(see col. 3, lines 14-22, col. 10, lines 38-42, col. 22, lines 9-36, 57-60).

6. As per claims 5, 14, Seth-Smith discloses wherein said session keys(i.e. service keys) are updated at predetermined intervals(see col. 11, lines 66-67, col. 12, lines 1-8, col. 19, lines 33-37).

7. As per claims 8, 17, Seth-Smith discloses said first communication channel is a satellite link permitting unidirectional communication from said data transmitting means to said data receiving means; and wherein said second communication channel is a communication channel permitting bi-directional communication between said data transmitting means and said data receiving means(see col. 6, lines 49-55).

8. As per claims 9-10, 18-19, Seth-Smith inherently discloses wherein said data receiving means is constituted as an IP router, and bridge, because Seth-Smith discloses a subscription television system that uses a satellite to transmit data(see abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6-7, 15-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Seth-Smith et al. in view of Mueller.

10. As per claims 6, and 15, Seth-Smith discloses data transmitting means and said data receiving means, and discloses session keys(see above already addressed as per claim 1 and 4).

11. As per claims 6 and 15, Seth-Smith et al. is silent on a master key that encrypts and decrypts session keys.

12. However, Mueller discloses a master key that encrypts and decrypts session keys(see col. 1, lines 46-61).

13. It would have been obvious to one ordinary skill in the art to combine the teachings of Mueller within the system of Seth-Smith, because secure session key generation methods, such as Mueller offer distinct advantage that the intercepted, encrypted messages based on the session key cannot be decrypted at a later time even if access to the actual encryption system is gained(see col. 2, lines 1-7 of Mueller).

14. As per claims 7, 16, Seth-Smith discloses said data transmitting means possesses said session keys corresponding to all data receiving means authorized to receive specific information and data; and wherein said data transmitting means transmits in advance said session keys to said data receiving means authorized to receive specific information and data(see col. 21, lines 49-65, col. 22, lines 9-34).

Response To Amendment

15. The Applicant has responded to office action dated 1/10/08. The Applicant has submitted amendment to claims 4/10/08. The Applicant has amended independent claims 1 and 11.

16. The Applicant states that Seth-Smith fails to disclose or suggest transmitting encrypted data over a first communication channel and transmitting restrictive data transmission control information over a second communication channel having a smaller capacity than the first channel.

16. The Applicant stated that Seth-Smith does not disclose a conditional access managing unit incorporated in a data receiving means, requesting a decryption key and transmitting restrictive data transmission control information upon a request for a decryption key. The Examiner disagrees with the Applicant. Seth-Smith discloses two types of control information. One of the control information is, addressed packets are encrypted uniquely for an individual decoder, and contain individual subscriber or user-specific information which fully described the authorization of the decoder with respect to a specific broadcaster(see col. 22, lines 66-67, col. 22, lines 9-22). Seth-Smith discloses both types of control data packets, that is, system data and addressed packets, are encrypted during transmission. They are only decoded in a secure microprocessor which cannot be tampered with. The appropriate service keys are then decrypted

and released from the secure microprocessor for use in decoding the video and audio signals(see col. 22, lines 23-44).

Final Action

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENISE E. JACKSON whose telephone number is (571)272-3791. The examiner can normally be reached on Increased Flex time, but generally in the office M-Fri(8-4:30)..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 29, 2008
/J. E. J./
Examiner, Art Unit 2139

/Kristine Kincaid/
Supervisory Patent Examiner, Art Unit 2139